

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINIQUE ZAFIR CASEY,

Plaintiff,

v.

HADDAD, et al.,

Defendants.

Case No. 1:21-cv-00855-KES-SKO (PC)

**ORDER GRANTING DEFENDANTS'
MOTION TO MODIFY DISCOVERY AND
SCHEDULING ORDER**

(Doc. 62)

Plaintiff Dominique Zafir Casey is a state prisoner proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's constitutional claims against Defendants Castro, Fernandez, and Haddad.

I. BACKGROUND

The Court issued its Discovery and Scheduling Order on September 18, 2024. (Doc. 60.) On February 13, 2025, Defendants filed a Motion to Modify Scheduling Order. (Doc. 62.)

II. DISCUSSION

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a scheduling order "may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). This good cause standard "primarily considers the diligence of the party seeking the amendment." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). The court may modify the scheduling order "if it cannot reasonably be met despite the diligence of the party seeking the

1 extension.” *Id.* If the party was not diligent, the inquiry should end. *Id.*

2 Defendants move to extend the deadlines for the completion of discovery and for the
3 filing of dispositive motions by thirty days. Defendants assert they require additional time within
4 which to meet and confer with Plaintiff regarding his failure to timely respond to Defendants’
5 discovery requests before filing a motion to compel. Additionally, due to scheduling conflicts,
6 defense counsel was unable to set Plaintiff’s deposition prior to expiration of the discovery cut-
7 off deadline. Plaintiff’s deposition is presently set for February 27, 2025.

8 Defendants have established good cause to extend the deadlines for the completion of
9 discovery and the filing of dispositive motions.

10 **III. CONCLUSION AND ORDER**

11 Accordingly, and for good cause shown, the Court **ORDERS** that:

- 12 1. Defendants’ motion to modify the scheduling order (Doc. 62) is **GRANTED**; and
13 2. The Discovery and Scheduling Order is **MODIFIED** as follows:
14 a. The February 18, 2025, deadline for completing discovery is **extended to**
15 **March 20, 2025**; and
16 b. The April 21, 2025, deadline for filing dispositive motions is **extended to May**
17 **21, 2025**.

18 IT IS SO ORDERED.
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20 Dated: **February 14, 2025**

/s/ Sheila K. Oberto
21 UNITED STATES MAGISTRATE JUDGE
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